



**APRIL 17 - 21, 2006
ST. LOUIS, MISSOURI**

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

**Roger L. Wollman - Sioux Falls, SD
Morris S. Arnold - Little Rock, AR
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO**

Circuit Judges Who Have Taken Senior Status

**Donald P. Lay - St. Paul, MN
Gerald W. Heaney - Duluth, MN
Myron H. Bright - Fargo, ND
John R. Gibson - Kansas City, MO
George G. Fagg - Des Moines, IA
Pasco M. Bowman - Kansas City, MO
Frank J. Magill - Fargo, ND
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA**

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10th Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28. Division II will be held in the Southeast Courtroom on Floor 27, Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. *Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.*

Michael E. Gans
Clerk of Court

www.ca8.uscourts.gov

The following visiting judge is sitting with the Court in April:

*The Honorable Andrew W. Bogue,
Senior U. S. District Judge
Rapid City, South Dakota

Updated 04/14/06

DIVISION I
28th Floor
En Banc Courtroom

MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, LAY, BYE

YML

- | | | | |
|----|----------------------------|---|--------|
| 1. | 05-3458 MN | Melford Olson Honey, Inc. v. Richard Adee, etc. | |
| | 05-3459MN | Melford Olson Honey, Inc. v. Richard Adee, etc. | 20 |
| 2. | 05-3403 EM | Arthur J. Misischia, etc. v. St. Johns Mercy Health Systems, etc., et al. | 20 |
| | 05-3562 WM | United States v. Jesse D. Counce | NO ARG |
| | 05-3381 | Alexander Antropov v. Alberto Gonzales, etc. | NO ARG |
| 3. | 05-4040 SI | United States v. Robert Clark Goff | 10 |
| 4. | 05-3731 EM | United States v. Ladarius Venice Cook | 15 |

TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, LAY, BYE

TAB

- | | | | |
|--|----------------------------|---------------------------------------|--------|
| | 05-4152 WM | United States v. Lisa Marie Destefano | NO ARG |
|--|----------------------------|---------------------------------------|--------|

EN BANC SESSION

BEGINNING AT 11:00 A.M.
BEFORE JUDGES LOKEN, GIBSON, WOLLMAN, ARNOLD, MURPHY,
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON

- | | | | |
|--|----------------------------|---|----|
| | 04-2538 MN | Henry Szabla v. City of Brooklyn Park Minnesota, etc., et al. | 30 |
|--|----------------------------|---|----|

DIVISION I
28th Floor
En Banc Courtroom

WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, BOWMAN, BYE

JMH

- | | | | |
|----|----------------------------|---|---------------|
| 1. | 05-3517 NE | United States v. Courtney Allen Coney | |
| | 05-3590 NE | United States v. Robert Allen Coney | |
| | 05-3931 NE | United States v. Marco Allen Coney | 20 |
| | 05-3537 MN | Mahesh Reinholdson, etc. v. School Board
of Independent School District 11 | NO ARG |
| 2. | 05-3831 MN | Richard S. Belde v. Ferguson Enterprises,
Inc., et al. | 15 |
| | 05-4015 NI | United States v. Carlos Alberto Pool-Chan | NO ARG |
| 3. | 05-2712 EM | United States v. Leo Adams | 10 |
| | 05-3715 NI | United States v. Scott Christopher Cook | NO ARG |

THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, BOWMAN, BYE

KAS

- | | | | |
|----|----------------------------|---|---------------|
| 1. | 05-3049 SI | USCOC of Greater Iowa, Inc. v. Zoning
Board of Adjustment of the City of
Des Moines | 20 |
| | 05-3570 SD | Edward Maguire v. United States | NO ARG |
| 2. | 05-3734 SI | Donald S. Sofonia v. Principal Life
Insurance Company, et al. | 15 |
| | 05-3810 NI | United States v. Kareem Damoe Lee, etc. | NO ARG |
| 3. | 05-3038 | Nathaniel T. Vonhm, Jr. v. Alberto
Gonzales, etc. | 15 |

DIVISION I
28th Floor
En Banc Courtroom

FRIDAY, APRIL 21, 2006, BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, BOWMAN, BYE

SRD

- | | | | |
|----|----------------------------|---|---------------|
| 1. | 05-3492 WA | Alex Sylvester v. Doug Fogley, et al. | 15 |
| 2. | 05-3892 EA | United of Omaha Life Insurance
Company v. Ross C. Honea, etc. | 15 |
| 3. | 05-3807 EM | Macheca Transport Company, etc., et al.
v. Philadelphia Indemnity Insurance
Company | 15 |
| | 04-3257 WM | Quintin L. Brown v. United States | NO ARG |
| | 05-3683 EA | Clinton O. Beggs v. Bill Gilkey, et al. | NO ARG |

**DIVISION II
27th Floor
Southeast Courtroom**

**MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, BEAM, BENTON**

DMS

- | | | | |
|----|----------------------------|--|---------------|
| 1. | 05-3587 WM | Susan Lavon Lankford, et al. v. Gary
Sherman, etc. | 20 |
| 2. | 05-2796 MN | Tom Lingenfelter, etc., et al. v. John
Stoebner, et al. | 15 |
| | 05-3181 ND | United States v. Ronald Spears | NO ARG |
| 3. | 05-3375 SD | United States v. Sitha Savatdy | 15 |
| 4. | 05-3209 NI | United States v. B. H. | 15 |

**TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, BEAM, BENTON**

**BNS/SRD-T
NO ARG**

[05-3233](#) Varlee Kamara v. Alberto Gonzales, etc.

[05-3259](#)EM United States v. Abe B. Evans

NO ARG

BEFORE JUDGES RILEY, BEAM, HANSEN

- | | | | |
|----|----------------------------|---|----|
| 1. | 06-1397 WM | Michael Anthony Taylor v. Larry Crawford,
etc., et al. | 30 |
|----|----------------------------|---|----|

DIVISION II
27th Floor
Southeast Courtroom

WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, HANSEN, BENTON

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|----|----------------------------|--|--------|
| | | | ABC |
| 1. | 05-3434 MN | Slidell, Inc. v. Millennium Inorganic
Chemicals, Inc. | 15 |
| | 05-3813 EA | Ellehugh Cross v. Local 1762 United
Auto Workers, et al. | NO ARG |
| 2. | 05-3283 NE | United States v. Noe Lopez-Vargas | 15 |
| 3. | 05-3589 SI | United States v. Patricio Sandoval-Rodriguez | 15 |
| 4. | 05-3148 WM | United States v. James William Rogers | 15 |
| 5. | 05-3886MN | In re: Grand Jury Subpoenas Dated
February 28, 2002, March 26, 2003, and
October 4, 2004 | 15 |

THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, HANSEN, BENTON

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|----|----------------------------|---|--------|
| | | | LMT |
| 1. | 05-3496 SI | Roger D. Parsons v. Pioneer Seed Hi-Bred
International, Inc. | 15 |
| 2. | 05-3463 MN | Schwans IP, LLC, et al. v. Kraft Pizza
Company | 15 |
| | 05-4184 NE | United States v. Charles E. Wiig | NO ARG |
| 3. | 05-3521 NI | United States v. Jason Paul Annis | 15 |

DGH

1. [05-3406](#)EA Richard Cox v. Larry Norris, etc. 10

[05-3638](#)EM United States v. Reginald Williams NO ARG

WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.

BEFORE JUDGES ARNOLD, LAY, COLLOTON

TAB

[05-4165](#)SD United States v. Joseph Charles Richard NO ARG

1. [05-2991](#)WM United States v. Mark A. Medearis 15

[05-2974](#)NE Lloyd R. Trackwell v. David Domina, et al. NO ARG

2. [05-3798](#)SD Kelly D. Crotty v. Dakotacare
Administrative Services, etc. 15

3. [05-3295](#)NE United States v. \$124,700 in U. S. Currency,
et al. 10

4. [05-4332](#)SD United States v. Robert Raymond Tail 15

DIVISION III

27th Floor

Northeast Courtroom

THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.

BEFORE JUDGES ARNOLD, COLLOTON, *BOGUE

DMH

1. [05-4065](#)NE United States v. William Andrews, Jr. 15

2. [05-4262](#)EA United States v. James Tindall 15

3. [05-3592](#)SI Charles Cagin v. The McFarland Clinic, P.C. 15

4. [05-4124](#)NE United States v. Alfonzo Traymayne Lee, etc. 15

5. [05-3261](#)WM United States v. Darrell Wayne Massey, Sr. 15

FRIDAY, APRIL 21, 2006, BEGINNING AT 8:30 A.M.

BEFORE JUDGES ARNOLD, COLLOTON, *BOGUE

PAW

- | | | | |
|----|----------------------------|---|------------------|
| 1. | 05-3707 WA | Eddie Watt, et al. v. GMAC Mortgage Corporation | 15 |
| 2. | 05-3964 WM | Larry D. Choate v. Jo Anne B. Barnhart | 15 |
| 3. | 05-3714 EM | Reverend Gary Thompson v. Bi-State Development Agency, etc. | 10 |
| | 05-3120 MN | Microsoft Corporation v. ION Technologies Corporation, et al. | DISMISSED |
| 4. | 05-3572 MN | Esther Abdel v. U.S. Bancorp | 15 |

**DIVISION IV
27th Floor
Southwest Courtroom**

**MONDAY, APRIL 17, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

KAS

- | | | | |
|----|----------------------------|--|----|
| 1. | 05-3313 WM | Missouri Board of Examiners for Hearing Instrument Specialists v. Hearing Help Express, Inc. | 20 |
| 2. | 05-2364 SD | Tony Alvester Faulks v. Douglas L. Weber, etc. | 15 |
| 3. | 05-3809 NE | United States v. Ricky Davis | 15 |
| 4. | 05-2753 | Genet Hailemichael v. Alberto Gonzales, etc. | 15 |
| 5. | 05-3792 MN | Theresa Wert v. Liberty Life Assurance Company of Boston, Inc. | 15 |

**TUESDAY, APRIL 18, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

JPP

- | | | |
|----|----------------------------|---|
| 1. | 05-3224 MN | St. Paul Fire and Marine Insurance Company v. Compaq Computer |
|----|----------------------------|---|

Corporation 15

[05-2957](#)MN Carlos Gutierrez v. United States NO ARG

[05-4174](#)EA United States v. Jairo G. Montgomery NO ARG

2. [04-3666](#)SD United States v. Dean Little Hawk 10

**DIVISION IV
27th Floor
Southwest Courtroom**

**WEDNESDAY, APRIL 19, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MUPRHY, MELLOY, GRUENDER**

CMD

1. [05-3243](#)EA Sammie Lewis v. Mike Johanns, etc.
[05-3256](#)EA Jackie E. Stevens v. Mike Johanns, etc.
[05-3257](#)EA Danny Harpole v. Mike Johanns, etc., et al. 20

[05-3446](#)ND United States v. Marcia Brave Thunder, etc.
[05-3447](#)ND United States v. Rinissa Fitzpatrick NO ARG

[05-3916](#)MN United States v. William Charles Pugh NO ARG

2. [05-4248](#)ND United States v. Alvin Peterson 15

3. In re: Jeffrey L. Miller, Debtor
[05-3651](#)NE Jeffrey L. Miller v. NLVK, etc. 10

[05-3213](#)MN United States v. Michael Troy Olson NO ARG

**THURSDAY, APRIL 20, 2006, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, MELLOY, GRUENDER**

MER

1. [05-2493](#) Fnu Surya v. Alberto Gonzales, etc. 15

2. [04-3587](#)WM Unites States v. Anna Cacioppo
[04-3588](#)WM United States v. Richard Dean Plaskett,
Jr., etc.
[04-3713](#)WM United States v. Richard Dean Plaskett,
Jr., etc.
[04-4149](#)WM United States v. Anna Cacioppo 20

- | | | | |
|----|----------------------------|--|---------------|
| 3. | 05-3093 SD | Planned Parenthood Minnesota, etc., et al.
v. Mike Rounds, etc., et al. | 20 |
| | 05-3454 SI | Kelly Norberg, etc. v. Labor Ready, etc. | NO ARG |
| 4. | 05-4373 NE | United States v. Wesley W. Pappas, etc. | 10 |

DIVISION IV
27th Floor
Southwest Courtroom

FRIDAY, APRIL 21, 2006, BEGINNING 8:30 A.M.
BEFORE JUDGES MURPHY, MELLOY, GRUENDER

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|----|----------------------------|--|---------------|
| | | | JMH |
| 1. | 05-3322 WM | United States Equal Employment
Opportunity Commission v. Technocrest
Systems, Inc. | |
| | 05-3457WM | United States Equal Employment
Opportunity Commission v. Technocrest
Systems, Inc. | 15 |
| | | In the Matter of: Timothy M. Kurmel, et al.,
Debtors, | |
| | 05-3449 NE | Judith O. Letrud, et al. v. Timothy M.
Kurmel | NO ARG |
| 2. | 05-3866 WM | Patti E. Johnson v. Kevin Blanket, et al. | 10 |
| | 05-3513 EM | John H. Miller, III v. Coca-Cola
Enterprises, Inc. | NO ARG |